

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) **Case No. 04-03024-1-CR-S-RED**
)
RANDY J. REED,)
)
Defendant.)

ORDER

NOW before the Court are the Report and Recommendations of the Magistrate Judge (Doc. 42). No objections to this Report and Recommendation have been filed.

Defendant filed a Motion to Compel Identity of Informant (Doc. 26), to which the Government responded (Doc. 29). Magistrate Judge James C. England Ordered the United States to disclose the name and address of all informants (Doc. 30). The United States then filed a Motion for Reconsideration (Doc. 31), which was denied (Doc. 35) by Judge England. The Magistrate's Order was then appealed to the district court (Doc. 36), and this Court set aside the decision of the Magistrate ordered the Magistrate to hold an in camera hearing to determine if the disclosure of the identity of the informants was appropriate. The Magistrate Judge held the in camera hearing and comes now in his report and recommendation to recommend that the Motion to Compel Identity of Informants (Doc. 26) be denied.

Defendant in this case originally sought disclosure of the identity of informants who supplied information to Wright County Deputy Larry Shepherd, due to pending charges against Shepherd for stealing property while a police officer, among other allegations. Defendant felt the veracity of Deputy Shepherd was in question. The Magistrate Judge directed the United States Attorney to send

a federal agent to interview the confidential informants. The Magistrate then held an in camera hearing with agent Don Higgerson, Resident Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms, and Explosives office in Springfield, Missouri. Agent Higgerson found that the information in the affidavit from Shepherd was consistent with the information from the informants. Additionally, the informants were able to verify that the information in the affidavits was accurate. Thus, any concerns of the validity of the affidavits by Shepherd have been alleviated and it is clear that disclosure of the identity of the confidential informants would be inappropriate in this case.

The Court hereby **ACCEPTS and ADOPTS** the Report and Recommendation (Doc. 42) of the Magistrate Judge to **DENY** Defendant's Motion to Compel Identity of Informant (Doc. 26).

IT IS SO ORDERED.

DATE: June 29, 2005

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT